



ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

Cap. cxlii.

An Act to enable the *Aberdeen* Railway Company
in part to alter their Branch Railway to *Brechin*.
[9th July 1847.]

WHEREAS an Act was passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty Queen *Victoria*, intituled "The *Aberdeen* Railway Act, 1845," whereby a Company was incorporated by the Name of "The *Aberdeen* Railway Company," with Power to make a Railway from *Aberdeen* to *Friockheim* and *Guthrie*, with Branch Lines to *Montrose* and *Brechin*: And whereas it is expedient that the said Company should be authorized to make an Alteration or Deviation in the Line of their said Branch Line to *Brechin*, but that Object cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Provisions of the said recited Act, so far as the same are or may be applicable, and are now in force, and except such of them as are by this Act repealed, altered, or otherwise provided for, or as may be inconsistent

8 & 9 Vict.
c. 153.

Powers of
recited Act
extended to
this Act,
except as
hereby
altered.

[*Local.*]

21 H

with

with the Provisions of the Lands Clauses and Railways Clauses Consolidation Acts as extended to this Act, shall extend to this Act, and to the several Purposes thereof, and to the several Matters and Things hereby authorized to be done, as fully and effectually as if the said Provisions were re-enacted in this Act in reference to such Purposes, Matters, and Things; and the said Act and this Act shall be construed and read together as forming One Act.

Powers of
8 & 9 Vict.
cc. 19. and
33. extended
to this Act.

II. And be it enacted, That the Provisions of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and of "The Railways Clauses Consolidation (*Scotland*) Act, 1845," shall, so far as the same are applicable, and are not modified by this Act, or inconsistent with the Provisions thereof, be incorporated with and form Part of this Act.

Short Title.

III. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Deeds or Instruments, it shall be sufficient to use the Expression "The *Aberdeen* Railway (*Brechin* Branch Deviation) Act, 1847."

Power to
raise addi-
tional
Capital.

IV. And be it enacted, That it shall be lawful for the said Company from Time to Time to raise for the Purposes of this Act the Sum of Three thousand Pounds by the Creation of new Shares, in addition to the Sums of Money which they are already authorized to raise; and the Capital so to be raised shall be considered as Part of the general Capital of the said Company, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital, except as to the Amount of such Shares, and Times of making Calls thereon, and the Amount of such Calls, which respectively it shall be lawful for the Directors of the said Company from Time to Time to fix as they shall think fit, and except also as to any special Regulations in relation to such Shares which may be resolved on by any General Meeting or Special General Meeting of the Company.

As to Votes
of Pro-
prietors of
new Shares.

V. And be it enacted, That the Proprietors of any new Shares created under the Power of this Act shall be entitled to such Number of Votes in respect thereof as the nominal Amount represented by such Shares would have entitled them to if they had been possessed of original Shares in the said Undertaking.

Power to
borrow.

VI. And be it enacted, That after the whole of the Capital by this and the said recited Act authorized to be raised shall have been subscribed, and One Half thereof paid up, it shall be lawful for the said Company to borrow on Mortgage or Bond such Sums of Money as shall from Time to Time be authorized to be borrowed by Order of a
General

General Meeting of the said Company, not exceeding in the whole, in addition to the Sums they are already authorized to borrow, the Sum of One thousand Pounds, and to secure the Payment of the Sum so to be borrowed, with Interest, by Mortgage of their Undertaking, subject to the same Provisions as by the said recited Act are made applicable to the Monies thereby authorized to be raised on Mortgage or Bond, and to the Securities thereby authorized to be granted in respect of the same.

VII. Provided always, and be it enacted, That all Mortgages or Bonds granted by the said Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall during the Continuance thereof have Priority over any Mortgages or Bonds to be created by virtue of this Act.

Former
Mortgages
to have
Priority.

VIII. And be it enacted, That every Mortgage, Bond, or other Security for Money, and every Transfer of any Mortgage, Bond, or other Security for Money, to be granted or made by virtue of the said recited Act or this Act, shall be by Deed duly stamped, wherein the Consideration for the same shall be duly stated, any thing herein or in the said Act contained to the contrary notwithstanding.

Mortgages
and Trans-
fers, &c. to
be stamped.

IX. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in the Companies Clauses Consolidation Act, 1845, in that Behalf contained.

Interest not
to be paid
on Calls
paid up.

X. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway, or execute any other Work or Undertaking.

Deposits for
future Bills
not to be
paid out of
the Com-
pany's
Capital.

XI. And whereas Plans and Sections of the Railway by this Act authorized showing the Line and Levels thereof, and also a Book of Reference

Power to
make Rail-
ence

way according to deposited Plans.

ence containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same is intended to pass, have been deposited in the Office of the principal Sheriff Clerk of the County of *Forfar* in *Forfar*; be it enacted, That, subject to the Provisions in this and the said recited Acts contained, it shall be lawful for the said Company to make and maintain the said Railway and Works in the Line and upon the Lands delineated on the said Plans, and described in the said Book of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose: Provided always, that it shall be lawful for the said Company in constructing the said Railway and Works to deviate from the Line and Levels and other engineering Works thereof described in the said Plan and Sections to the Extent authorized by the "Railways Clauses Consolidation (*Scotland*) Act, 1845."

Line of Railway.

XII. And be it enacted, That the Line of Railway to be made and maintained under the Authority of this Act shall be an Alteration or Deviation of the Branch Line of Railway to *Brechin* as by the said recited Act authorized to be made, to commence at a Point on the said Branch in the Parish of *Brechin* and County of *Forfar* near to where the said Branch crosses the Boundary between the Parishes of *Brechin* and *Dun*, at or about Six Furlongs and One hundred and eighty Yards West of the Junction of the said Branch with the Main Line of Railway to *Aberdeen* authorized by the said Act, and to terminate at *Brechin* near the Slaughter-house thereof in the same Parish of *Brechin* and County of *Forfar*.

Power to abandon Part of original Line.

XIII. And be it enacted, That the said Company shall abandon such Parts of the said Branch Railway to *Brechin* which by the said recited Act they are empowered to make as extend from the Point at which the Railway hereby authorized to be made commences to the authorized Terminus of the said Branch at *Eastmill* near *Brechin*; and all the Powers and Authorities given by the said recited Act to the said *Aberdeen* Railway Company in reference to the Part so abandoned shall immediately after the passing of this Act cease and determine.

Period within which Lands are to be purchased.

XIV. And be it enacted, That the Powers of the said Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Time for Completion of the Works.

XV. And be it enacted, That the said Railway and Works shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted for executing the said Railway and Works, or otherwise in relation thereto, shall

shall cease to be exercised, except as to so much of the Railway as shall then be completed.

XVI. And be it enacted, That it shall be lawful for the said Company to demand and receive for and in respect of the Railway and Works by this Act authorized the same Tolls and Charges as they are by the said recited Act relating to the said Company authorized to demand and receive for and in respect of the Railway and Branch Railways by such Act authorized to be constructed.

Same Tolls to be taken as authorized by the Aberdeen Railway Act.

XVII. Provided always, and be it enacted, That the maximum Tolls and Charges to be made by the said Company in respect of the said Railway by this Act authorized shall in no Case exceed the maximum Tolls and Charges authorized by the said recited Act.

Maximum Charges.

XVIII. And be it enacted, That all the Costs, Charges, and Expences of and attending the passing of this Act, or incidental thereto, shall be paid by the said Company, *pari passu* with the Costs, Charges, and Expences of any other Act to be passed in the present Session of Parliament to which they may be liable, out of the first Monies which shall come to their Hands, and in preference to any other Payment whatsoever.

Costs of Act to be paid in preference.

XIX. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways*; and Two other Acts were passed in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled respectively *An Act for regulating the Gauge of Railways*, and *An Act for constituting Commissioners of Railways*; be it enacted, That nothing in this Act contained shall be held to exempt the said Railway or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company so far as the same shall be applicable thereto.

Railway to be subject to Provisions of Acts 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. & 105.

XX. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this Act authorized to be made from the Provisions of any general Acts relating to this

Railway to be subject to Provisions of any future general Act.

1874

10° & 11° VICTORIÆ, *Cap.* cxlii.

Act, or of any general Act relating to Railways, which may hereafter pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this and the said recited Act.

Public Act. XXI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1847.